

United States District Court

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JIMCY McGIRT,

Defendant.

CRIMINAL COMPLAINT

Case No. 20-MJ-114-SPS

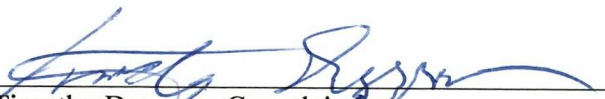
I, Timothy Deppner, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

Between August 8 and August 15, 1996, in the Eastern District of Oklahoma, defendant(s) violated Title 18, United States Code, Sections 1151, 1153, and 2241, an offense described as follows: Aggravated Sexual Abuse in Indian Country.

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of Timothy Deppner, which is attached hereto and made a part hereof by reference.)


☒ Continued on the attached sheet.


Timothy Deppner, Complainant
Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence at: MUSKOGEE, OKLAHOMA

Date: July 31, 2020

STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer



**AFFIDAVIT IN SUPPORT OF
COMPLAINT**

I, Timothy James Deppner, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a complaint and arrest warrant.
2. I am a Special Agent with the Federal Bureau of Investigation (FBI), I have been so employed since September 2015 and I am currently assigned to the FBI Oklahoma City Division, Muskogee Resident Agency. I am presently assigned to work primarily Indian Country criminal investigations in the Eastern District of Oklahoma. During my career as an FBI Agent, I have investigated numerous Indian Country crimes to include a variety of sexual abuse crimes.
3. The facts in this affidavit come from information provided by witnesses and law enforcement officers. This affidavit is intended to show merely that there is sufficient probable cause for the arrest of **JIMCY MCGIRT** (DOB: 10/XX/1948; SSN: XXX-XX-5841), and does not set forth all of my knowledge about this matter.
4. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. §§ 1153 and 2241(c), Aggravated Sexual Abuse of a Minor in Indian Country, have been committed by **JIMCY MCGIRT** in Indian Country in the Eastern District of Oklahoma.

PROBABLE CAUSE

5. On or about the weeklong period of August 8 through 15, 1996, four-year-old B.B. (DOB:08/XX/1992) stayed under the care of her grandmother Norma McGirt (hereinafter "Norma") in Norma's residence in Wagoner County, Oklahoma. Norma was married to **JIMCY MCGIRT**, who resided with Norma but who was not related by blood to B.B. Due to Norma

working full-time, B.B. was often left under the sole care of **MCGIRT** while B.B. stayed in the residence during the weeklong period. During this weeklong period, B.B.'s mother D.B. was traveling out of state.

6. Approximately two weeks after B.B.'s stay with Norma and **MCGIRT**, B.B. told D.B. she had a secret but D.B. had to promise not to tell. B.B. disclosed to D.B. that **MCGIRT** had put his finger in her "private" (vagina) and that **MCGIRT** also told her to touch his "private" (penis) and she did not like to touch it (his penis), which was "yucky" and had hair. B.B. additionally disclosed to D.B. that **MCGIRT** had put his tongue on her vagina.

7. Subsequent to B.B.'s disclosure to D.B., D.B. reported the sexual abuse to the Wagoner County Sheriff's Office (WCSO). When a WCSO deputy took the report and spoke with B.B., she was scared and did not initially want to talk to the deputy. Eventually in that conversation, B.B. told the deputy that "Grandpa" (**MCGIRT**) had touched her "down there" (and motioned to her vagina). When asked how many times **MCGIRT** had touched her in this manner, B.B. replied, "Every day."

8. After her initial disclosure to her mother, B.B. also told her cousin and aunt about **MCGIRT** sexually abusing her. B.B. indicated to her aunt that **MCGIRT** touched her vagina with his tongue and that he made her touch his penis.

9. In a doctor's visit on September 12, 1996, which was related to the reported sexual abuse, B.B. told medical personnel, "Grandpa put his finger inside my private parts" and, "Grandpa asked me to touch his private part with my hand."

10. **MCGIRT** was subsequently arrested and tried on Oklahoma state criminal charges in Wagoner County related to the reported sexual abuse of B.B. **MCGIRT** was found guilty in a jury trial and sentenced to be incarcerated in state prison.

11. After **MCGIRT** went to prison, he wrote letters from the facility to Norma. In at least one of the letters, **MCGIRT** apologized for the sexual abuse to B.B. **MCGIRT** explained that he had not been in his right mind and that the devil had made him do it.

12. In the United States Supreme Court decision in *McGirt v. Oklahoma* (2020), the location of the previously described incident was deemed to be within the reservation boundaries of the Muscogee Creek Nation and is therefore Indian Country. This location is also within the confines of the Eastern District of Oklahoma. Further determined in *McGirt* was that **JIMCY MCGIRT** is an Indian person and is an enrolled member of the Seminole Nation. These conclusions in effect removed state jurisdiction over the described offense and placed jurisdiction with the United States Government.


13. **JIMCY MCGIRT** was previously convicted in 1989. On March 24, 1989, in Oklahoma County Case Number CF-1988-7086, a jury found **MCGIRT** guilty of two counts of Forcible Oral Sodomy and he was sentenced to five (5) years in the custody of the Oklahoma Department of Corrections on each count. **MCGIRT** was released from prison on or about March 19, 1991. In that case, **MCGIRT** was working as a maintenance man. Two brothers, D.G., who was eight (8) years old at the time, and A.G., who was five (5) years old at the time, were watching and helping **MCGIRT** as he worked. On or about December 22, 1988, **MCGIRT** made D.G. pull his pants down and then **MCGIRT** put D.G.'s penis in his mouth. On or about December 23, 1988, **MCGIRT** pulled down A.G.'s pants and put A.G.'s penis in his mouth. The boys reported the abuse to their mother and she contacted the Oklahoma City Police Department.

CONCLUSION

14. Based on the above information, there is probable cause to believe that a violation of 18 U.S.C. §§ 1153, 2241(c) and 2246, Aggravated Sexual Abuse of a Minor in Indian Country,


has occurred in Indian Country in the Eastern District of Oklahoma by **JIMCY MCGIRT**, and a warrant should issue for his arrest.

Respectfully submitted,



Timothy James Deppner
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on July 31, 2020



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE